

Attorney's Docket No.: 10559-507001/P11812

REMARKS

Reconsideration and allowance of the above-referenced application are respectfully requested.

Claim amendments are presented herein to obviate the current rejection. No new matter has been added.

35 USC § 112

Claims 10, 20-21, 28-29, and 33-35 have been rejected as allegedly failing to comply with 35 USC § 112, second paragraph. These rejections are respectfully traversed. Notwithstanding, these claims have been amended to remove the "and/or" phrases.

35 USC § 102

Claims 33-38 have been rejected under 35 USC § 102(e) as allegedly being anticipated by Aravamudan. These rejections are respectfully traversed.

Claim 33 recites discovering information relating to an accessibility state of one or more communication channels associated with a message recipient, the discovering information comprising accessing an e-mail system to determine whether the message recipient is currently logged in (for support, see, inter alia, specification par. 20). Claims 34 and 35 recite similar features.

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Aravamudan does not disclose or contemplate determining discovery information based on whether a user is logged into an e-mail system as defined in claims 33-35. Rather, Aravamudan discloses determining an accessibility state based on an amount of time since a last interaction with a user interface of a client premises equipment (CPE) (see, inter alia, Aravamudan col. 7, line 41 to col. 8, line 4).

Accordingly, claims 33-35 are novel over Aravamudan and should be allowable.

Claim 36 recites discovering information relating to an accessibility state of one or more communication channels associated with a message recipient, wherein at least one of the communication channels is the Internet and the discovering information comprises pinging an IP address associated with the message recipient and confirming that a response is received from the IP address (for support, see, inter alia, specification par. 20).

Aravamudan fails to disclose such a step for discovering information in which an IP address is pinged. As stated above, Aravamudan discloses determining an accessibility state based on an amount of time since a last interaction with a user interface of a CPE (see, inter alia, Aravamudan col. 7, line 41 to col. 8, line 4).

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Accordingly, claim 36 is novel over Aravamudan and should be allowable.

Claim 37 recites discovering information relating to an accessibility state of one or more communication channels associated with a message recipient, wherein one or more of the communication channels is a bridged connection including at least one bridging device and a recipient device, and wherein the discovering information comprises interrogating at least one bridging device regarding the availability of the recipient device (for support, see, inter alia, pars. 20-23). Claim 37 additionally recites routing a message to the message recipient through the at least one bridging device to the recipient device based on information in the data repository.

Aravamudan is silent regarding the use of a bridging connection as defined in claim 37.

Accordingly, claim 37 is novel over Aravamudan and should be allowable.

Claim 38 recites a data repository configured to store the discovered accessibility state information and user preferences relating to message routing paths, wherein the user preferences include user specified communication channel delivery priorities for more than one user specified time slots (for support, see, inter alia, specification, par. 38).

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Aravamudan does not disclose or suggest allowing a user to specify communication channel delivery priorities and storing such priorities in a data repository as defined by claim 38. Rather, Aravamudan discloses establishing rules in which important events are disposed of differently based only upon the type of important event (see, inter alia, Aravamudan col. 9, lines 36-44).

Accordingly, claim 38 is novel over Aravamudan and should be allowable.

35 USC § 103

Claims 1, 4-13, 15-24, 26-32, and 39-41 have been rejected under 35 USC § 103(a) as allegedly being unpatentable over Aravamudan in view of Matsa. These rejections are respectfully traversed.

Claim 1 recites discovering information relating to an accessibility state of one or more communication channels associated with a message recipient, wherein at least one of the communication channels is a cellular phone and the discovering information comprises determining at least one factor chosen from the group comprising: whether the cellular phone is turned on, whether the cellular phone is currently in use, or a geographic location of the cellular phone (for support, see,

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inter alia, specification par. 19). Claims 13 and 24 contain similar features.

Aravamudan describes an arrangement in which a user's inactivity while utilizing a client premises equipment (CPE) that has been registered as online is determined (see, inter alia, Aravamudan col. 7, line 41 to col. 8, line 4). If a user fails to interact with a user interface for a predetermined period of time, an inactivity message is conveyed to a Communications Services Platform via an Instant Message Server.

Matsa includes a Delivery Mechanism Database that includes one or more delivery mechanisms that are capable of sending messages (see, inter alia, Matsa par. 36). This database is updated by a client application to reflect a current operating environment.

Neither of Aravamudan and Matsa, whether considered singly or in combination, suggest the discovering information relating to a cellular phone as defined in any of claim 1, 13, and 24. Aravamudan states that a CPE may be a wireless cellular phone (see, inter alia, Aravamudan, col. 3, lines 33-34). However, there is no suggestion on how to determine an accessibility state other than to determine if a CPE interface has been accessed within a predetermined amount of time. Moreover, Matsa does not even suggest the use of a cellular phone as a delivery mechanism.

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Accordingly, claims 1, 13, 24, and their respective dependent claims should be allowable.

Claim 30 recites maintaining a data repository comprising the discovered accessibility state information, maintaining a calendaring system storing calendar information about the message recipient that facilitates context-appropriate message routing decisions to be made, and routing a message to the message recipient based on information in the data repository and the calendaring system (for support, see, inter alia, specification pars. 36-37). Claims 31 and 32 recite similar features.

With Aravaduman, a rule set for a user is stored within a CSP database (see, inter alia, Aravamudan, col. 8, line 56 to col. 9, line 9) that provides delivery mechanisms when a CPE is determined to be inactive. This arrangement does not take into account whether a user is active but occupied in a meeting that has been listed in a calendaring system. Moreover, although Matsa describes a delivery policy (see, inter alia, Matsa par. 39), there is no suggestion that routing of a message may be based on a calendaring system. As a result, the skilled artisan combining Aravaduman and Matsa would not have resulted in the subject matter of claims 30-32, and such claims represent a non-obvious improvement over such references.

Accordingly, claims 30-32 should be allowable.

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Claim 39 recites accessing an online scheduling program to determine the availability of the message recipient, and routing a message to the message recipient based on information in the data repository and the availability of the message recipient determined from the online scheduling program (for support, see, inter alia, specification par. 36). Claim 40 contains similar features.

With Aravamudan, a rule set for a user is stored within a CSP database (see, inter alia, Aravamudan, col. 8, line 56 to col. 9, line 9). This rule set only initiates when a CPE is determined to be inactive. Aravamudan does not disclose any arrangements in which routing of a message is based on an online scheduling program.

As described above, Matsa describes a delivery policy (see, inter alia, Matsa par. 39) but does not suggest that routing of a message may be based on a calendaring system. In addition, Aravaduman only describes using a rule set when a user is deemed to be inactive. Therefore, the skilled artisan would not have combined Aravaduman and Matsa to result in the subject matter of claims 39 and 40.

Accordingly, claims 39 and 40 should be allowable.

Claim 41 recites one or more discovery processes configured to discover information relating to an accessibility state of one or more communication channels associated with the message

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recipient, wherein one or more of the communication channels is a cellular phone and the one or more discovery processes determine whether a cellular phone is within a cell signal range based on data packet transmissions (for support, see, inter alia, specification par. 19).

As stated above, Matsa does not contemplate using a cellular phone as a delivery mechanism. In addition, Aravaduman determines inaccessibility based on the interaction of a user with an interface. As a result, there is no motivation for the skilled artisan to combine these references to result in the subject matter of claim 41. Even if such references were combined, Aravaduman and Matsa fail to teach tracking of data packet transmissions. Therefore, claim 41 is non-obvious in light of Aravaduman in view of Matsa.

Accordingly, claim 41 should be allowable.

#### Concluding Comments

It is believed that all of the pending claims have been addressed in this paper. However, failure to address a specific rejection, issue or comment, does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above are not intended to be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed.




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Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

Applicant asks that all claims be allowed. Please apply any charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

Date: 4/28/05  
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Scott C. Harris

Reg. No. 32,030

Attorney for Intel Corporation

Fish & Richardson P.C.  
PTO Customer Number: 20985  
12390 El Camino Real  
San Diego, CA 92130  
Telephone: (858) 678-5070  
Facsimile: (858) 678-5099  
10492879.doc